

16678. Adulteration of shell eggs. U. S. v. 6 cases, et al., of Shell Eggs. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22935, 22961. I. S. Nos. 0816, 0821. S. Nos. 1017, 1035.)

On August 6 and August 31, 1928, respectively, the United States attorney for the Northern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 35 cases of shell eggs at Birmingham, Ala., alleging that the article had been shipped by the J. H. McCarty Produce Co., from Tupelo, Miss., in part on July 20, 1928, and in part on July 24, 1928, and transported from the State of Mississippi into the State of Alabama and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From J. H. McCarty Produce Company, Tupelo, Miss."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed animal substance.

On September 8, 1928, the J. H. McCarty Produce Co., Tupelo, Miss., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon the execution of bonds totaling \$400, the said product to be recandled to meet the requirements of this department and to be disposed of under its supervision

ARTHUR M. HYDE, *Secretary of Agriculture.*

16679. Adulteration and misbranding of canned sauerkraut. U. S. v. 2 Cases, et al., of Canned Sauerkraut. Default decrees of condemnation and forfeiture entered. (F. & D. Nos. 17123, 17297. I. S. Nos. 237-v, 319-v. S. Nos. E-4275, E-4310.)

On January 15 and February 21, 1923, respectively, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 50 cases of canned sauerkraut remaining in the original unbroken packages, in part at Brooklyn, N. Y., and in part at Astoria, L. I., N. Y., alleging that the article had been shipped by the W. H. Killian Co., from Baltimore, Md., in two consignments, on or about November 23, 1922, and December 11, 1922, respectively, and transported from the State of Maryland into the State of New York, and charging adulteration with respect to a portion of the article, and adulteration and misbranding with respect to the remainder thereof, in violation of the food and drugs act. The article was labeled in part: (Cans) "Killian's Kuaity Sauer Kraut. Contents 1 lb. 13 oz. (or "Contents 2 Lbs.") Packed by W. H. Killian Co., Baltimore U. S. A."

It was alleged in the libels that the article was adulterated in that excess brine had been mixed and packed with and substituted in whole or in part for the said article.

Misbranding was alleged with respect to a portion of the product for the further reason that the statements "Kuaity Sauer Kraut, Contents 1 Lb. 13 Oz.," borne on the label, were false and misleading and deceived and misled the purchaser.

On August 3, 1929, no appearance having been entered in the cases, judgments of condemnation and forfeiture were entered.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16680. Adulteration and misbranding of alfalfa meal and chicken greens. U. S. v. 280 Sacks of Alfalfa Meal, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23257. I. S. Nos. 03585, 03586. S. No. 1367.)

On January 2, 1929, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 280 sacks of alfalfa meal and 120 sacks of chicken greens, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the California Hawaiian Milling Co., from San Francisco, Calif., on or about November 9, 1928, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Fine Ground Alfalfa Meal * * * Crude Protein not less than 16. Crude Fat, not less than 2.00. Crude Fiber not more than 28.00, * * * Manufactured by California Hawaiian Milling Co., San Francisco, Cal.," :

"Chicken Greens * * * Crude Protein, not less than 20.0%, Crude Fat, not less than 2.5%, Crude Fibre, not more than 18.0% * * * Manufactured by California Hawaiian Milling Co., San Francisco, Cal."

It was alleged in the libel that the articles were adulterated in that a substance deficient in protein and containing an excessive amount of fiber had been substituted in part for the articles, and had been mixed and packed therewith so as to reduce and lower their quality and strength.

Misbranding was alleged in the libel for the reason that the statements on the respective labels, "Fine Ground Alfalfa Meal, Net Weight 100 Lbs. When Packed. * * * Crude Fibre, not more than 18.00 (28.00)," and "Chicken Greens Made From Select Alfalfa Hay, * * * Net Weight 100 Lbs. When Packed, * * * Crude Fibre not more than 28.00 (18.00)," were false and misleading and deceived and misled the purchaser when applied to articles containing an excessive amount of crude fiber. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On March 5, 1929, the California Hawaiian Milling Co. (Inc.), San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that they be relabeled under the supervision of this department, in part as follows: "Fine Ground Alfalfa Meal Net Weight 100 Pounds. Crude Protein not less than 13.5% * * * Crude Fibre not more than 34% ;" "Chicken Greens * * * Net Weight 100 Pounds. Crude Protein not less than 16.5%. * * * Crude Fibre not more than 25.5."

ARTHUR M. HYDE, *Secretary of Agriculture.*

16681. Misbranding of ground meal. U. S. v. 820 Sacks, et al., of Ground Meal. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23641, 23643, 23645, 23646. I. & S. Nos. 0930, 0931, 0932, 0933. S. Nos. 1884, 1886, 1887.)

On or about April 22, 1929, the United States attorney for the Southern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of one thousand six hundred and forty 24-pound sacks, seven hundred 10-pound sacks, one hundred and twenty 98-pound sacks, and one hundred 6 (96)-pound sacks of ground meal, remaining in the original unbroken packages, in part at Vicksburg, Miss., and in part at Natchez, Miss., alleging that the article had been shipped by the Shreveport Grain & Elevator Co., from Shreveport, La., in various consignments, on or about April 3, April 4, and April 5, 1929, respectively, and transported from the State of Louisiana into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Redhead Fresh Ground Meal, Shreveport Grain & Elevator Company, Shreveport, La., 24 Pounds Net" (or "96 Pounds Net," "10 Pounds Net Weight," or "98 Pounds Net Weight").

It was alleged in substance in the libels that the article was misbranded in that the statements, "10 Pounds Net Weight," "98 Pounds Net Weight," "24 Pounds Net Weight," "Redhead Fresh Ground Meal, Shreveport Grain and Elevator Company, Shreveport, La., 24 Pounds Net Fresh Ground Meal," "Redhead Fresh Ground Meal, Shreveport Grain and Elevator Company, Shreveport, La., 6 [96] Pounds Net Fresh Ground Meal," borne on the labels of the respective lots, were false and misleading and deceived the purchaser in that the sacks contained less than the said declared net weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct, the actual net weight of the product contained in the said sacks being less than declared.

On May 21, 1929, the Shreveport Grain & Elevator Co., Shreveport, La., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of good and sufficient bonds, conditioned in part that the sacks be refilled to the declared net weight.

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